

1 BY MR. COHEN:

2 Q And I ask you: Do you recognize the document?

3 A Yes, I do.

4 Q Would you read it to yourself, please. Who is
5 Lucy Hollison?

6 A Lucy Hollison is the representative from Media
7 Services who is to receive also a copy of these discrepancy
8 reports.

9 Q Media Services is an arm of TBN?

10 A I don't know.

11 Q Well, is it part of Trinity?

12 A I don't know.

13 Q You don't know who she works for?

14 A I don't know specifically, no.

15 Q Where is she employed, sir?

16 A Her office is at the Trinity facility.

17 Q But you're saying you don't know if she is
18 employed by Trinity or another company?

19 A That's exactly what I'm saying.

20 Q What's the name of the office she works for?

21 Media --

22 A Media Services Agency.

23 Q And what does Media Services Agency do, if you
24 know?

25 A That calls for speculation. I'll speculate. I

100

1 don't know for sure.

2 MR. TOPEL: I don't want you to speculate.

3 BY MR. COHEN:

4 Q You have no knowledge of what they do?

5 A No specific knowledge, no, not exactly.

6 Q Do you have general knowledge?

7 A I'd have to speculate.

8 Q Do you know why Lucy Hollison is supposed to
9 receive a copy of the monthly report?

10 A I just know that she does.

11 Q Do you know who made the decision that she is
12 to?

13 A Yes.

14 Q Who?

15 A Jane Duff.

16 Q And you don't know why?

17 A Specifically what she does with it, I would
18 have to speculate.

19 Q Do you know why Jane Duff wanted her to receive
20 a copy?

21 A No.

22 Q Does she receive a copy of monthly discrepancy
23 reports at Portland?

24 A I don't know.

25 Q Do you receive copies of the monthly

1 discrepancy reports?

2 A Yes.

3 Q And you have a recollection of seeing her name
4 on the bottom, like a cc or on top a cc?

5 A I don't recall.

6 Q I want to ask you about document 50526 on the
7 letterhead of NMTV Engineering Department dated October 10,
8 1990, a memo to Eddie Sills from you. It's not signed.

9 Do you recognize it?

10 MR. TOPEL: Did you get the date? Let's get the date
11 in. It's October 10, 1990.

12 MR. COHEN: I thought I did.

13 MR. TOPEL: You may have.

14 THE WITNESS: Okay. I've read the memo.

15 BY MR. COHEN:

16 Q Now, these 585 machines which were to be
17 shipped by George Murray, were these machines that were
18 owned by TBN?

19 A Yes.

20 Q And why was the Odessa station receiving these
21 machines?

22 A Because they requested some.

23 Q And who made the decision to send them the
24 machines?

25 A I did.

1 Q They requested machines or requested TBN
2 machines?

3 A They requested machines.

4 Q And you made the judgment to send them TBN
5 machines?

6 A I researched the matter, determined there were
7 surplus machines available for lending, had the authority
8 under TBN to lend the machines and made that judgment.

9 Q And did you discuss this with anybody else?

10 A I don't recall.

11 Q This is a memo dated September 27, 1990 on the
12 letterhead of NMTV, document 50525, to Jim McClellan from
13 you. It's not signed.

14 Do you recognize it?

15 A Yes, I do.

16 Q Now, as I understand it, in this memo you're
17 asking Jim McClellan to "spare the illustrious
18 Dr. Fountain," and these are your words, "to assist in
19 pulling off yet another TBN extravaganza"?

20 A That's exactly right.

21 Q And what was that TBN extravaganza?

22 A That was a telecast which required satellite
23 up-linking from three different locations, Upstate New York,
24 Florida, Seattle and L.A.

25 Q And what services were required of

1 Dr. Fountain, as you put it?

2 A Dr. Fountain was a trained transportable
3 satellite up-link operator whose services I was requesting,
4 and this memorandum was a request for those services.

5 Q Now, did you have the authority to make that
6 request by yourself, or did you have to get approval from
7 someone else?

8 A I had the authority to make that request by
9 myself.

10 Q Was that authority from certain guidelines you
11 were given or some other source?

12 A I felt that was within my purview to ask.

13 Q Your purview as what?

14 A In this particular case, as vice president of
15 engineering for Trinity Broadcasting.

16 Q So that was the hat you were wearing?

17 A Yes.

18 Q So, actually, then, the caption here is a
19 misnomer. This should have been Trinity Broadcasting, not
20 NMTV?

21 A It really should have been.

22 Q It's hard to keep the players straight. Okay.
23 I don't want to keep the good lady waiting, so why don't
24 we --

25 MR. TOPEL: Is this a good time?

1 MR. COHEN: As good as any.

2 (Whereupon Mr. Miller's deposition was
3 briefly adjourned to take Mrs. Janice Crouch's
4 deposition and was thereafter resumed at
5 3:05 p.m.)

6 MR. COHEN: The record should reflect, Mr. Miller,
7 that you are our all-around witness, in-and-out Miller they
8 call you. We interrupted your deposition for the deposition
9 of Jan Crouch. Off the record.

10 (Discussion off the record.)

11 BY MR. COHEN:

12 Q I want to show you documents 5465 and 66. To
13 the best of my ability, it's "TBN, Inc. Interco/Write-off
14 Plak Tech" (sic) dated 12/31/90, and ask you whether you've
15 ever seen these two documents before.

16 A No, I haven't.

17 Q Well, look at them for a minute and see if you
18 can explain them to me. If you can't, you can't.

19 A I really can't.

20 Q I have a document that's entitled
21 "LPTV/Translator Maintenance Report Form." It consists of
22 documents 04052 to 04059.

23 Do you recognize that document?

24 A You have multiple documents here.

25 MR. TOPEL: That was my concern.

1 MR. COHEN: I do? That was not my intent.

2 Q Let me amend my identification and ask you only
3 about document 04052 through 04055. Do you recognize that
4 document?

5 A Yes, I do.

6 Q That's a Trinity Broadcasting Network LPTV
7 maintenance report form, correct?

8 A Yes.

9 Q Is the same form used for NMTV, to your
10 knowledge?

11 A I've not asked for the Trinity form to be used
12 for National Minority.

13 MR. TOPEL: But respond to the question.

14 THE WITNESS: I don't know.

15 BY MR. COHEN:

16 Q Do you review these maintenance report forms?

17 A Only when called for.

18 Q Has it been called for for any NMTV facility?

19 A I don't recall.

20 Q You don't know whether NMTV has a translator
21 maintenance report form?

22 A I've requested that Planck also compose one
23 similar to the one you have.

24 Q Planck is the author or the creator of this
25 form?

1 A Yes.

2 Q Tell me why Planck would have that
3 responsibility.

4 A Because they have the responsibility of ongoing
5 maintenance services.

6 Q For Trinity LPTV/translators?

7 A Yes.

8 Q And for NMTV LPTV/translators?

9 A Yes.

10 Q Do you know who has made the arrangements for
11 Planck to provide those services for NMTV?

12 A Say again.

13 Q Do you know who has made the arrangements for
14 Planck to provide those services to NMTV?

15 A I have.

16 Q And was that pursuant to a specific
17 authorization that you required, or did you do this on your
18 own notion?

19 A I did this within the purview and
20 responsibility I have for National Minority translators and
21 LPTV's as specified by Jane Duff.

22 Q So she gave you the discretion, in effect, to
23 do this; is that the right word?

24 A That's correct.

25 Q And Planck gets paid for this service?

1 A Yes.

2 Q And who do they bill, if you know?

3 A I don't know.

4 Q Do you see the bill?

5 A No.

6 Q Now, yesterday I asked you about the fact that
7 you were a man wearing many hats, and you recall that
8 conversation?

9 A Correct.

10 Q I couldn't find the document at the time that
11 confirmed that, and I now have it, and so I just want to
12 show it to you and ask you to confirm this. This is
13 document 55593. This is on the letterhead of Trinity
14 Broadcasting Network Engineering Department. It's dated
15 October 3, 1991, and it's to Alice Fields from you. The
16 subject is "My Titles."

17 The record will speak for itself from
18 yesterday, but do you recall, is that what you testified to
19 yesterday?

20 A This should be in line with what I testified
21 yesterday.

22 Q Who is Alice Fields?

23 A My secretary.

24 Q And why were you telling her about your titles?

25 A Because she was constantly getting it wrong.

1 Q Well, I should think so when you wear as many
2 hats as you do. Do you ever wonder yourself? That's six
3 different capacities you serve in.

4 Now I want to show you a series of documents,
5 06444, 06438, 06449, 06453, 06455, which all are purchase
6 orders where "Trinity" is scratched out and "NMTV" is
7 written in. These are various purchase orders. Would you
8 look at those documents for a minute.

9 A Okay.

10 Q First of all, do you recognize the handwriting
11 that did the scratching?

12 A Yes.

13 Q And whose is that?

14 A Mine.

15 Q How did it come to pass that you scratched out
16 "Trinity" and wrote in "NMTV"?

17 A Because I saw that it was inappropriate that
18 they were being billed to Trinity Broadcasting.

19 Q So you were reviewing those purchase orders?

20 A Yes.

21 Q I take it that's part of your responsibilities
22 to review purchase orders?

23 A These documents were drafts that were provided
24 to my purchasing secretary so that new documents could be
25 created. In the case of this one --

1 MR. TOPEL: Let's read the number. 06449.

2 THE WITNESS: -- this was a purchase order that had
3 already been completed for a Trinity Broadcasting facility
4 in Bloomington, Indiana. To avoid filling out a whole new
5 draft with all of the same information on it, I photocopied
6 the Indiana purchase order and made the appropriate changes,
7 and this document was submitted to my purchasing secretary
8 as a draft for a new document which was to be created on
9 behalf of National Minority TV.

10 BY MR. COHEN:

11 Q So that was not an error, then?

12 A That was not an error. Each of these documents
13 were not National Minority documents.

14 Q So none of them were errors?

15 A None of them were errors.

16 Q They were the basis for further purchase orders
17 being prepared?

18 A These were drafts for the purpose of new forms
19 being filled out.

20 Q You've answered my question. Could I have
21 these back.

22 I want to show you a document entitled
23 "National Minority Television, Inc. Master Control Operator
24 Orientation Handbook," which all the pages are not numbered.
25 Some of them are. It's a thick document. The pages I have

1 that are numbered begin at 05746 going through 05788. I am
2 not going to be asking you about the substance of the
3 document.

4 Do you recognize the document?

5 A Yes. I authored this document. I'm sorry, the
6 answer is yes.

7 Q You prepared that document?

8 A Yes.

9 Q Does Trinity have the same master control
10 operator orientation handbook --

11 A Yes, sir.

12 Q -- or is this different?

13 A Other than the cover page, it's the same.

14 Q I want to show you another document by the
15 famous author Ben Miller entitled "Recommended Routine
16 Transmitter Maintenance Procedures," commencing at 05723.
17 Are you familiar with that document?

18 A Yes, sir. Multiple documents again.

19 Q Thank you. That was not intentional. I hope
20 you recognize that. I want to amend my description of the
21 document. It starts at 05723 and continues to 05745, I
22 believe. Will you check that to make sure that I was
23 accurate in my description.

24 A The question again is?

25 Q Have I now properly identified the document?

1 A Yes, it would appear that that identifies the
2 document.

3 Q Thank you. Now, this document, this
4 recommended routine transmitter maintenance procedures
5 document, this is a document that obviously you prepared,
6 correct?

7 A Yes.

8 Q And did you prepare this for Trinity?

9 A Yes.

10 Q Did you also prepare it for use at NMTV?

11 A Yes.

12 Q Now I want to ask you: Is this document also
13 used, to your knowledge, by Community Educational TV, Inc.,
14 that is, the recommended routine transmitter maintenance
15 procedures?

16 A Yes.

17 Q And by Jacksonville Educators Broadcasting,
18 Inc.?

19 A Yes.

20 Q And by All American TV, Inc.?

21 A Yes.

22 Q And by Sonlight Broadcasting Systems, Inc.?

23 A Yes.

24 Q I want to ask you the same question about the
25 master control operator orientation handbook.

1 A Yes.

2 Q Would your answer be the same for all of these
3 entities?

4 A Yes, it would be.

5 Q That is, it's used by all of the entities I
6 just read into the record?

7 A That document is used by all the entities
8 you've just read into the record.

9 MR. COHEN: Thank you. I'm pleased to state I don't
10 have any further questions.

11 MR. SHOOK: Why don't we take about two minutes off
12 the record and go over some things.

13 (Discussion off the record.)

14

15 EXAMINATION

16 BY MR. SHOOK:

17 Q Mr. Miller, with respect to the document
18 entitled "Trinity Broadcasting Network Engineering
19 Department Memo" dated October 3, 1991 from yourself to
20 Alice Fields, the titles and the companies that are
21 reflected there, is that accurate for today also?

22 A Yes.

23 Q And how long would you say that situation has
24 existed, the situation reflected in the memo in terms of the
25 companies and the titles?

1 A As long as the oldest one, which would be
2 All American, I think, would have been the -- I'm not sure
3 whether it's Community Educational or All American would
4 have been the oldest of those, but it's been a continuous
5 process of the addition of further titles over the years.

6 Q I probably didn't phrase the question right, so
7 let me try this again.

8 A Sorry.

9 Q We have established that what is reflected in
10 the document in terms of the six companies and the two
11 different titles that are noted is accurate for today as
12 well as having been accurate in October of '91.

13 A On the day it was written.

14 Q Now, my question is: Take it back in time from
15 October of '91. Have there been times when the titles that
16 are reflected on the memo were different from those that
17 appear on the memo?

18 MR. TOPEL: Any of the titles?

19 MR. SHOOK: Any of the titles.

20 THE WITNESS: I'd say in the case of Trinity, I have
21 been through three different titles since I was first
22 employed there. In the case of Community Educational TV, I
23 have been through two. And through the others, they have
24 remained the same.

25 //

1 BY MR. SHOOK:

2 Q Thank you. Now, along those lines, I want to
3 show you a document entitled "Trinity Broadcasting Network,
4 Inc. Telephone Extensions," Bates stamped 01446.

5 A Okay.

6 Q You will notice in the first column under
7 "Engineering Department" that your name appears, right?

8 A Uh-huh.

9 MR. TOPEL: You need to say yes.

10 BY MR. SHOOK:

11 Q It reflects the title "Operations Manager." Is
12 that accurate? And, if it is, can you place it in time for
13 me?

14 A I held the title of director of
15 engineering/operations manager in the years 1980 to a
16 nondescript point a year or two later than that. I have
17 always considered myself just to be director of engineering.

18 MR. TOPEL: Off the record.

19 (Discussion off the record.)

20 BY MR. SHOOK:

21 Q Mr. Miller, this may have been covered
22 yesterday, and, if so, as we said off the record, I don't
23 need an answer if it turns out that the question was already
24 asked, but with respect to your basic duties now, could you
25 tell us who, if anyone, reports to you.

1 Let me step back a second. Do you have any
2 supervisory responsibilities at Trinity?

3 A Yes.

4 Q Do you supervise any individuals at Trinity?

5 A Yes.

6 Q Who are the individuals who report to you?

7 A In essence, all engineering personnel that are
8 employed by Trinity either directly or via the flow chart
9 with respect to their technical responsibilities.

10 Q Approximately how many individuals would this
11 encompass? That question apparently has been asked.

12 MR. TOPEL: We had that yesterday, didn't we?

13 MR. SHOOK: Fine.

14 MR. TOPEL: Jim, let me say, we're willing to
15 accommodate if it helps you.

16 MR. COHEN: Let's go off the record.

17 (Discussion off the record.)

18 BY MR. SHOOK:

19 Q Apparently yesterday it was asked in terms of
20 the number of people, perhaps also the identities of the
21 persons who report to you now.

22 Has that changed over time in the sense that if
23 we went back five years, would we be talking about basically
24 the same responsibilities for yourself as a supervisor at
25 TBN?

1 A Yes.

2 Q The people who report to you, do those people
3 perform any tasks or functions for NMTV?

4 A Yes.

5 Q Has that been pretty much the same, or has that
6 changed over the course of the last five years?

7 A It's been pretty much the same.

8 Q If you went over this yesterday, I apologize,
9 but who are the individuals who perform work for NMTV who
10 report to you?

11 A George Horvath, my secretary in support of what
12 I do, and my purchasing secretaries in support of what I do.

13 Q And I believe you testified earlier today that
14 Mr. Horvath had a predecessor who was Mr. Sebastian?

15 A Yes.

16 Q And he also reported to you?

17 A His portfolio was split between Jane Duff and
18 myself. The technical portion of what he did was under my
19 guidance.

20 Q In the sense of guidance, do you grade or
21 review the work performance of Mr. Horvath in any particular
22 way?

23 A Yes, I do.

24 Q And was that also true for Mr. Sebastian?

25 A With respect to the technical work, yes.

1 Q At present to whom do you report?

2 A For which entity?

3 Q Well, let's say for all entities, and then we
4 can break it down.

5 MR. TOPEL: Well, I think --

6 MR. SHOOK: Or should we approach it the other way?
7 We'll do it the other way.

8 Q For TBN to whom do you report?

9 A Paul Crouch.

10 Q For NMTV to whom do you report?

11 A Jane Duff.

12 Q Has that situation always been the case, or was
13 there a time when it was different?

14 A It's always been that way.

15 Q Was it that way when NMTV was known as
16 Translator Television, Inc.?

17 A I have no way of knowing that.

18 Q Well, when I asked the question has it always
19 been the same and you answered yes, can you give me some
20 time frame in terms of what you're thinking of, what your
21 answer is meant to cover?

22 A I don't understand the question.

23 Q I asked the question to whom do you report with
24 respect to NMTV, and you said Jane Duff. And my next
25 question was to the effect or was to find out has that

1 always been the case, have you always reported to Jane Duff
2 with respect to NMTV matters, and I understood your answer
3 to be yes.

4 A Yes.

5 Q Now, can you tell me in terms of time how long
6 that has been the case?

7 A My best recollection is it commenced in '88 or
8 '89.

9 Q Now, you are aware, are you not, that
10 applications for NMTV facilities were filed previous to
11 1988?

12 A No, I'm not.

13 Q Do you have any recollection of being involved
14 in the preparation or review of any materials relative to an
15 application that was filed in February 1987 for the
16 assignment of television channel 42 in Odessa, Texas from
17 Alfred H. Roever, and that's R-o-e-v-e-r, III, to National
18 Minority TV, Inc.?

19 A Restate the question.

20 Q Did you have any involvement in reviewing any
21 materials relative to the assignment application for the
22 Odessa station?

23 A My recollection was that Jane Duff submitted
24 the technical portion for my review at some point, and I
25 don't recall when it was.

1 Q Do you recall or can you tell me what you
2 remember relative to the Odessa station, essentially was the
3 same process utilized insofar as your involvement was
4 concerned with respect to both Portland and Wilmington,
5 Delaware?

6 A No. It was quite different.

7 Q What were the differences?

8 A In the case of Portland I was requested to
9 perform services for them with respect to the construction
10 of the station in dealing with various issues in preparing
11 both the transmitter and the studio sites, et cetera. And
12 in the case of Wilmington I was simply called upon to
13 perform an equipment inventory and testify at a bankruptcy
14 proceeding.

15 Q I'm going to show you a document with Bates
16 stamp number 029117. It reflects at the top that it's from
17 Trinity Broadcasting Network, purchase order number 129440.

18 A Okay.

19 Q Do you recognize the document?

20 A Yes.

21 Q Do you also see that there is some handwriting
22 of some kind on it?

23 A Yes, I do. This was another one of those
24 documents which was a Trinity document which was
25 photocopied --

1 MR. TOPEL: Is he responding to your question?

2 MR. SHOOK: I believe he is.

3 THE WITNESS: This is another one of those documents
4 which was a photocopy of a Trinity document for WCLJ,
5 Bloomington, Indiana that I used as a draft for providing in
6 this case Trina Gaston, the purchasing secretary,
7 information for completion of a National Minority purchase
8 order.

9 BY MR. SHOOK:

10 Q So the date that's reflected there in the
11 middle of the document, 2/11/87, does that date have
12 anything to do with Odessa, Texas, or does that date have
13 something to do with the Bloomington, Indiana station?

14 A It's irrelevant to the Odessa station. That
15 would have been the date of the equipment order for WCLJ in
16 Bloomington for Trinity.

17 Q I'm going to show you a document that's Bates
18 stamped 027182. It reflects that it's from Trinity
19 Broadcasting Network, Inc., purchase order number 177431.

20 A Okay.

21 Q Do you recognize the document? If so, can you
22 tell me what it represents.

23 A Yes. This represents a purchase order to
24 Tektronix for equipment for, apparently, the Midland/Odessa,
25 Texas station.

1 Q There appear to be some initials that are
2 written in under the word "Authorization." Can you identify
3 those initials?

4 A Yes. Paul Crouch and myself.

5 Q The date that's reflected on the document,
6 12/7/87, is that the date that this document was prepared?

7 A It would appear to be, yes.

8 Q You may have already done this for Mr. Cohen,
9 and if so, I apologize, but there appears to be a process,
10 and we can go from beginning to end here, and if you could,
11 with respect to using this as a guide, help me understand
12 how a purchasing decision was made and specifically for the
13 equipment that's reflected here.

14 A The process specifically was that I would give
15 input with respect to my projected cost, and this is only in
16 the case of a full-power station, I would give input with
17 respect to the projected cost of the station. That would be
18 discussed. Upon concurrence that my projected cost
19 parameters for the construction of the station were
20 acceptable, I would then be given within my purview the
21 authority to proceed with purchases in support of the
22 construction of the station on NMTV's behalf.

23 Q I believe you mentioned this morning that these
24 purviews were established by whom?

25 A Okay. Jane Duff was my general authority. She

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1 instructed me that Paul Crouch was to work with me on
2 technical issues, budgetary issues and equipment issues, and
3 that he and I were to work together and he was to have
4 oversight with respect to coordinating with me on those
5 issues.

6 Q I'm not certain from my recollection of the
7 timing of various events how this would fit in, but for this
8 period of time, December of 1987, this activity is taking
9 place with respect to an NMTV station, correct?

10 A That's on that purchase order. Drawing from my
11 own memory, I couldn't tell you what that time frame was.

12 Q Would the process that you described have been
13 the same as if this had been a Trinity station as opposed to
14 an NMTV station?

15 A With respect to equipment purchase?

16 Q With respect to this purchase order. If this
17 purchase order had been for a Trinity station as opposed to
18 an NMTV station, would this process have been the same?

19 A Yes, it would have.

20 Q Can you tell me who John Rimers, R-i-m-e-r-s,
21 is?

22 A He is a construction expert.

23 Q What relationship, if any, does he have with
24 Trinity Broadcasting Network?

25 A Specifically I don't know what his exact

1 relationship was. He worked with Trinity. What his
2 arrangement was, I don't know.

3 Q Do you know where he was physically located at
4 the time that he worked with Trinity?

5 A Various locations.

6 Q If I were to tell you that he signed a document
7 and used the title "director of the building," would that
8 help you at all? Does that mean anything to you?

9 A No.

10 Q Have you ever been known or held yourself out
11 as the technical director of NMTV, Inc.?

12 A It's possible that through the manipulation of
13 my word processor that that may have appeared on a document.
14 I don't refer to myself as the technical director in the
15 normal course.

16 Q Okay. Let me show you a document. It's dated
17 October 25, 1988, Bates stamped 027713 and 027714. I'm
18 going to refer you to the second page.

19 First of all, do you see a signature there?

20 A Yes.

21 Q And is that your signature?

22 A Yes.

23 Q Do you see the box that is checked?

24 A Yes.

25 Q Do you know how that box came to be checked?